

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GAVINO LOMELI, No. C 08-04438 CW (PR)
Plaintiff, ORDER OF TRANSFER
v. (Docket nos. 3, 4)
CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

Plaintiff, a state prisoner, has filed a pro se civil rights action pursuant to 42 U.S.C. § 1983 and an application for in forma pauperis status. The acts complained of occurred at California State Prison - Corcoran and California Correctional Institution, which are located in the Eastern District of California, and it appears that the Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. See 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The Clerk of the Court shall transfer the case forthwith.

Plaintiff's application for in forma pauperis and his motion for transfer to another prison (docket nos. 3, 4) are TERMINATED on this Court's docket as no longer pending in this district.

IT IS SO ORDERED.

Dated: 10/16/08


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LOMELI GAVINO,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS et al,

Defendant.

Case Number: CV08-04438 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 16, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gavino Lomeli F61978
CSP-Corcoran
P.O. Box 3456
Corcoran, CA 93212

Dated: October 16, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California